



SF 2209 – Probation Credit (LSB 5232SV)

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Fiscal Note Version – New

Requested by Senator Gene Fraise

Description

Senate File 2209 specifies that if an offender is revoked from probation, the offender receives credit for time served while in an alternative jail facility or community corrections facility. The Bill takes effect July 1, 2012.

Background

Correctional and Fiscal Information

1. In *Anderson v. State*, 801 N.W.2d 1 (Iowa 2011) the Iowa Supreme Court ruled that offenders revoked from probation to prison are eligible for jail credit. The Department of Corrections (DOC) was granting credit for time served while in a Community-Based Corrections (CBC) residential facility or county jail. Under the Supreme Court ruling, the DOC now grants credit for time served on probation, as well as county jail or CBC facility, if that probation results in a revocation to prison.
2. The DOC staff recalculated discharge dates for 3,520 offenders in September and October of 2011 with the following results:
 - a. There were 253 offenders immediately discharged from prison.
 - b. There were 33 offenders on work release or Operating While Intoxicated (OWI) that were immediately discharged.
 - c. There were 265 offenders that were immediately discharged from parole.
 - d. There were 2,588 offenders that had their tentative discharge date changed, but were not immediately discharged.
 - e. There were 320 offenders that had no change in their tentative discharge date.
 - f. There were 25 offenders that were discharged immediately but absconded before they were notified.
 - g. There were 36 offenders that absconded before the recalculation was complete. These offenders have not discharged their sentence. Their tentative discharge date will be recalculated when they return to custody.
3. The DOC incurred one-time staff costs in September and October for reviewing 3,520 cases. This includes overtime, compensatory time, and travel at an estimated cost of \$9,200.
4. The DOC incurred one-time costs of \$37,000 for programming the Iowa Corrections Offender Network (ICON) to accept the probation credits into the tentative discharge date calculation.
5. The effect of probation credits on inmate length of stay for those released due to expiration of sentence is 104 days less for those released in September and October 2011.

6. This analysis focuses on offenders that discharged their sentence immediately because they exited the corrections system. Others remain in the corrections system under supervision.
7. The marginal cost per day for prison is \$15.59. The marginal cost per day for CBC residential facilities is \$11.50. The average daily cost for parole or probation supervision is \$3.49.
8. Since the change was made to calculating probation credit, there has been minimal impact on CBC supervision, either Field Services (parole, probation, pretrial release) or Residential Facilities. Offender populations have remained relatively stable. The waiting list for CBC residential beds is 778 offenders on February 21, 2012. This includes offenders waiting in federal prisons, CBC Field Services (parole and probation), special sentence, State prisons, and pretrial release.
9. The prison population has decreased since the *Anderson* ruling. Some of the decrease is attributed to the *Anderson* ruling while some of the decrease is due to the Board of Parole action (increasing numbers of prisoners are being paroled). The prison population was 8,459 offenders on February 21, 2012.
10. Approximately 30 offenders in November and 30 offenders in December were released from prison due to end of sentence (immediate discharge) that had their sentence reduced by the *Anderson* ruling. There were 25 offenders released in January 2012 due to similar circumstances.
11. In comparing length of stay in prison for offenders both before and after the *Anderson* ruling, the average time served before release has decreased by 107 days for those offenders released in November, December, and January.

Minority Data Information

1. The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2010 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.3% of Iowa's population is white. The composition of the remaining 7.7% is: 2.5% black, 0.4% American Indian or Alaska Native; 1.5% Asian, 0.1% Hawaiian or Other Pacific Islander, 1.8% is of two or more races; and 1.4% unknown. A total of 4.3% of Iowa's prison population identified themselves as Hispanic or Latino (of any race).
2. Iowa's prison population was 8,778 offenders on June 30, 2011. Men comprised 92.2% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 64.7% white; 25.9% black; 0.8% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. A total of 6.7% of Iowa's prison population identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
3. For offenders released to expiration of sentence under the *Anderson* ruling, 68.1% were white, 29.6% were black, and 2.3% were American Indian or Alaska Native.

Assumptions

Correctional and Fiscal Information

1. The projection for offenders released from prison due to end of sentence that had their sentence reduced by the *Anderson* ruling is 25 in February, 20 each month in March and April, and 15 each month in May and June 2012.
2. The projection for FY 2013 is 10 offenders each month will be released due to expiration of sentence with certain probation credits.

Minority Data Information

The impact on minorities will remain consistent with recent releases. A significant percentage of offenders released were minorities.

Summary of Impacts

Correctional Impact

The *Anderson* ruling reduced the length of stay in the prison system for certain offenders. Therefore, [Senate File 2209](#) will increase the length of stay in prison, by reversing the *Anderson* ruling. This will impact 170 offenders.

Minority Impact

It is anticipated this Bill will have a disproportionate impact on minorities because they will remain in the prison system longer than they are under current practices.

Fiscal Impact

The fiscal impact of the *Anderson* ruling is \$766,000 in net cost avoidance for FY 2012 and \$212,500 for FY 2013. This cost avoidance is primarily due to a reduction in the average length of stay in the prison system. [Senate File 2209](#) reverses the *Anderson* ruling at the start of FY 2013. Therefore, \$212,500 in cost avoidance will not be achieved in FY 2013.

Source

Iowa Department of Corrections

/s/ Holly M. Lyons

February 22, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Iowa Code Section [2.56](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
